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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

BEIJING MEISHE NETWORK
TECHNOLOGY CO., LTD.,

Plaintiff,

v.

TIKTOK INC. ET AL.,

Defendants.

Case No. 3:23-cv-06012-SI

**JOINT STIPULATION AND
[PROPOSED] ORDER OF PARTIAL
DISMISSAL**

District Judge: Hon. Susan Illston

Pursuant to Federal Rule of Civil Procedure 15(a)(2) and Civil Local Rule 7-12, Plaintiff Beijing Meishe Network Technology Co., Ltd. (“Meishe”) and Defendants TikTok Inc., TikTok Pte. Ltd., ByteDance Ltd., and ByteDance Inc. (collectively “Defendants”) have agreed to the following dismissal of claims and respectfully request the Court to adopt the following Stipulation:

WHEREAS, Meishe filed their Second Amended Complaint asserting claims for Unfair Competition By Misappropriation under Texas Law (fourth claim), Unjust Enrichment under Texas law (sixth claim), and Aiding and Abetting a Breach of Fiduciary Duty under Texas law (seventh claim) in the Western District of Texas on August 12, 2021 (*Beijing Meishe Network Tech. Co. Ltd. v. TikTok Inc. et al.*, No. 6:21-cv-00504, Dkt. No. 9);

WHEREAS, Defendants were served with the Second Amended Complaint on November 12, 2021 (*Beijing Meishe Network Tech. Co. Ltd. v. TikTok Inc. et al.*, No. 6:21-cv-00504, Dkt. Nos. 16–19);

WHEREAS, Defendants filed a Motion to Dismiss for Failure to State a Claim Under Rule 12(b)(6) on March 3, 2022 (Dkt. No. 27);

WHEREAS, the Court granted Meishe leave to file a third amended complaint on April 20, 2023.

WHEREAS, Meishe filed their Third Amended Complaint asserting claims for Unfair Competition By Misappropriation under Texas Law (fourth claim), Unjust Enrichment under Texas law (sixth claim), and Aiding and Abetting a Breach of Fiduciary Duty under Texas law (seventh claim) in the Western District of Texas on August 12, 2021 (Dkt. No. 235);

WHEREAS, Defendants filed a Renewed Motion to Dismiss for Failure to State a Claim Under Rule 12(b)(6) on May 4, 2023 (Dkt. No. 247);

WHEREAS, Defendants’ motion to dismiss remains pending, and Defendants intend to re-file the motion as confirmed at the Case Management Conference held February 23, 2024;

WHEREAS, Defendants have not yet filed an answer or motion for summary judgment;

WHEREAS, the parties agreed on February 23, 2024 to the dismissal of Meishe’s claims for Unfair Competition By Misappropriation under Texas Law (fourth claim), Unjust Enrichment under

Texas law (sixth claim), and Aiding and Abetting a Breach of Fiduciary Duty under Texas law (seventh claim) with prejudice;

NOW, THEREFORE, IT IS HEREBY STIPULATED by and through counsel for the parties that:

1. Meishe dismisses its claims for Unfair Competition By Misappropriation under Texas Law (fourth claim), Unjust Enrichment under Texas law (sixth claim), and Aiding and Abetting a Breach of Fiduciary Duty under Texas law (seventh claim) with prejudice;
2. This dismissal does not extend to any other claims asserted in this action.

WHEREFORE, Meishe and Defendants respectfully request that the Court enter this Stipulation as an Order of the Court.

IT IS SO STIPULATED.

Dated: February 26, 2024

CHERIAN LLP

By: /s/ Robert M. Harkins
Robert M. Harkins

*Attorney for Plaintiff Beijing Meishe Network
Technology Co., Ltd.*

Dated: February 26, 2024

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22 ByteDance, Inc.
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ATTESTATION

Pursuant to Civ. Local Rule 5.1(i)(3) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from counsel for TikTok Inc. et al.

/s/ Robert M. Harkins
Robert M. Harkins

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____, 2024

By: _____

Hon. Susan Illston
United States District Judge